

FILED

JAN 18 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YELLOW CAB CO. OF SACRAMENTO,
Plaintiff,

No. Civ. S-02-704 FCD/DAD

v.

VERDICT FORM

YELLOW CAB CO. OF ELK GROVE
and MICHAEL P. STEINER,
Defendants.

We answer the questions submitted to us as follows:

1. Is "Yellow Cab Co." a valid, protectable service mark?
Yes _____ No X

If your answer is "Yes," answer the next succeeding question. If your answer is "No," do not answer any other questions and have the presiding juror sign and date this form.

2. Does plaintiff own "Yellow Cab Co." as a service mark?
Yes _____ No _____

If your answer is "Yes," answer the next succeeding question. If your answer is "No," do not answer any other questions and have the presiding juror sign and date this form.

1 3. Did defendants use "Yellow Cab Co. of Elk Grove," a
2 mark similar to plaintiff's service mark, without the consent of
3 plaintiff in a manner that is likely to cause confusion among
4 ordinary purchasers as to the source of the service?

5 Yes _____ No _____

6 If your answer is "Yes," answer the next succeeding
7 question. If your answer is "No," do not answer any other
8 questions and have the presiding juror sign and date this form.

9 4. Was plaintiff damaged by defendants' infringement?

10 Yes _____ No _____

11 If your answer is "Yes," answer the next succeeding
12 question. If your answer is "No," do not answer any other
13 questions and have the presiding juror sign and date this form.

14 5. Did defendants' use of plaintiff's service mark,
15 "Yellow Cab Co.," constitute a fair use of the mark to describe
16 defendants' taxicab service?

17 Yes _____ No _____ .

18 If your answer is "Yes," do not answer any other questions
19 and have the presiding juror sign and date this form. If your
20 answer is "No," proceed to Question 6.

21 6. Plaintiff was damaged in the amount of \$_____.

22 Answer the next succeeding question.

23 7. Did defendants profit from their infringement of
24 plaintiff's service mark?

25 Yes _____ No _____

26 If you answer is "Yes," answer the next succeeding question.
27 If your answer is "No," do not answer the next succeeding
28 question and have the presiding juror sign and date this form.

1 8. Defendants profited from their infringement of
2 plaintiff's service mark in the amount of \$_____.

3 Have the presiding juror sign and date this form.

4
5 Signed: 

Presiding Juror

6 Dated: 1-18-07